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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/778,409 | 02/07/2001 | Dawn M. Marchionda | XXT-057 | 5234 |

7590 04/22/2004

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

| EXAMINER |
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SAX, STEVEN PAUL

| ART UNIT | PAPER NUMBER |
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2174

DATE MAILED: 04/22/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Applicati n N .

09/778,409

Applicant(s)

MARCHIONDA ET AL

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004 and 06 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined. The amendments filed 1/6/04 and 2/6/04 have been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sklut et al (5790119) and Angiulo et al (6456304).

4. Regarding claim 1, Sklut et al shows the image reproducing apparatus with user interface including: presenting a graphical user interface element representing an operational feature of the image reproducing apparatus on a display for viewing by an operator (Figures 12-13, column 8 lines 5-27 and 40-48, column 17 lines 15-27), selecting one or more graphical user elements in a sequence defined by the operator for a selected imaging job (column 8 lines 30-50, column 17 lines 15-40, Figures 12-13), imaging the job according to the sequence (column 16 lines 10-32, column 18 lines 5-28 and 35-49), and storing the sequence defined by the operator on a medium (column 18 lines 45-60). Sklut et al do not specifically show the parameter settings menus

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represented by the elements being received in a chronological sequence defined by the operator such that the parameter settings menus are displayed in that sequence, but do show flexibility for operator selection of parameters using an interface. Furthermore, Angiulo et al show parameter settings menus represented by the elements being received in a chronological sequence defined by the operator such that the parameter settings menus are displayed in that sequence (Figures 2A, 2C, 3A, 4A, column 3 lines 25-50, column 5 lines 40-56, column 7 lines 16-46) to allow flexibility for operator selection of parameters using an interface. It would have been obvious to a person with ordinary skill in the art to have this in the user interface of the image reproducing apparatus of Sklut et al, because it would allow convenient flexibility for operator selection of parameters using an interface.

5. Regarding claim 2, default values for operations are selected (Sklut et al column 15 lines 5-67).

6. Regarding claim 3, the imaging job is a print job (Sklut et al column 9 lines 30-40 and 48-55, column 12 lines 42-50).

7. Regarding claim 4, the imaging job is a copy job (Sklut et al column 9 lines 30-40, Figures 12-13).

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8. Regarding claim 5, the element presented on the display is a visual representation icon (metaphoric) encapsulating the function (Sklut et al column 18 lines 7-20).

9. Regarding claim 6, a default value may be deselected for one of the operations (Sklut et al column 18 lines 10-34).

10. Claims 7-12 and 13-20 show the same features as claims 1-6 and are rejected for the same reasons.

11. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

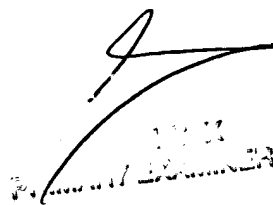
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 703-305-9582. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Steven P. Sax", is written over a faint, rectangular stamp. The signature is fluid and cursive.